

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

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THE MAGNAVOX COMPANY, and
SANDERS ASSOCIATES, INC.,

Plaintiffs,

Civil Action No. 77 C 3159

v.

APF ELECTRONICS, INC.,
et al

Defendants.

DEFENDANT TAITO AMERICA CORPORATION'S
SUPPLEMENTAL ANSWERS TO INTERROGATORIES

Now comes the defendant, through its duly authorized agent, and in accordance with Rule 33 of the Federal Rules of Civil Procedure, and hereby supplements its answers to the Plaintiff's Interrogatories.

Interrogatory No. 2

2. Fully identify defendant's video games by responding to the following:

(a) State the model or type name or number of each video game made, used, or sold by defendant within the United States during the period April 25, 1972 through August 5, 1975 and the model or type name or number of each video game made, used, or sold by

defendant within the United States since August 5, 1975.

(b) As to each model or type name or number video game stated in defendant's response to paragraph (a) of this interrogatory:

(i) state whether it is a coin operated video game or a consumer video game;

(ii) describe the game or games played thereon as they appear to the player;

(iii) identify the document or documents containing a schematic electrical circuit diagram thereof;

(iv) identify the person or persons having the greatest knowledge of the electrical design and operation thereof;

(v) identify the manufacturer and/or supplier and the manufacturer's and/or supplier's part or model number of any integrated circuit(s) included in such video game which integrated circuit(s) was specifically intended by its manufacturer to be used in and/or was sold for use in video games;

(vi) if any one or more units of that model or type of video game was not manufactured by defendant, identify the party who manufactured those video games not manufactured by defendant and the party from whom defendant acquired those video games.

(c) As to each model or type name or number video game stated in response to paragraph (a) of this interrogatory,

(i) state the number of units of that game made, used, or sold by defendant within the United States during the period August 25, 1972 through August 5, 1975 and the defendant's gross sales in dollars and the total profit made by defendant for sales of that game for sales made during the period August 25, 1972 through August 5, 1975;

(ii) state the number of units of that game made, used or sold by defendant within the United States since August 25, 1972 and defendant's gross sales in dollars and the total profit made by defendant for sales of that game since August 25, 1972;

(iii) state the number of units of that game made, used, or sold by defendant within the United States since August 5, 1975 and defendant's gross sales in dollars and the total profit made by defendant for sales of that game made since August 5, 1975.

Answer No. 2

The previous answer to this interrogatory was true when made, and such answers are incorporated by reference. The following information is based on events since the date of the previous answer.

(a) After October 6, 1978, Taito America has manufactured and sold the following video games:

- | | |
|-----------------------------|--------------------|
| 1. Polaris | 10. Alpine Ski |
| 2. Crazy Climber | 11. Grand Champion |
| 3. Space Chaser | 12. Lock 'N Chase |
| 4. Zarzon | 13. Kram |
| 5. Space Invaders | 14. Qix |
| 6. Space Invaders - Part II | 15. Electric Yo-Yo |
| 7. Moon Shuttle | 16. Lunar Rescue |
| 8. Stratovox | 17. Wild Western |
| 9. Colony 7 | 18. Phoenix |

In addition, from September 1, 1979 to date Taito America Corporation has purchased or otherwise acquired in sample quantities of one to ten units a number of games for evaluation, none of which were accepted for production, or manufactured.

(b) (i) All of the video games set forth in (a) above are coin operated video games.

(ii) The games set forth in (a) above may be described as follows:

1. Polaris

The player views a cathode ray tube and operates controls as specified in the instructions for the game. Player's goal is to accumulate points while preventing events which lead to termination of the game.

Player controls a Polaris submarine during a sea battle by opposing ships, submarines and aircraft. Player controls speed and direction of submarine and timing of firing of Polaris missiles. Submarine is attacked by depth charges and torpedoes from bombers. Player's submarine must also avoid crashing into ocean floor. Player's submarine can destroy enemy submarines

by maneuvering under them and launching a missile
Player's missiles can also be used to destroy
attacking torpedo bombers.

2. Crazy Climber

The player views a cathode ray tube and operates controls as specified in the instructions for the game. Player's goal is to accumulate points while preventing events which lead to termination of the game.

Player controls Crazy Climber as he climbs tall buildings while avoiding falling flowerpots, signs, condor eggs, dumbbells and girders, slamming windows, punching gorillas and electrified wires. Crazy may also get a lift from a rising balloon. Player controls movement of Crazy's hands.

3. Space Chaser

The player views a cathode ray tube and operates controls as specified in the instructions for the game. Player's goal is to accumulate points while preventing events which lead to termination of the game.

Player controls a space ship moving through a maze. Player accumulates points by clearing dots from the maze. Maximum bonus points at end of the frame are obtained if player does not use fuel from reserve tank for added speed.

4. Zarzon

The player views a cathode ray tube and operates controls as specified in the instructions for the game. Player's goal is to accumulate points while preventing events which lead to termination of the game.

Player controls rocket ship through 5 phases of dangers. Player controls rocket ship's speed and direction and timing of its own missile fire. Player also controls its defensive barrier. The enemy Zarzon attacks in the form of rockets, meteors, spiders and dragonflies.

5. Space Invaders

The player views a cathode ray tube and operates controls as specified in the instructions for the game. Player's goal is to accumulate points while preventing events which lead to termination of the game.

Player controls laser cannon defending against attacking enemies from outer space. Player controls horizontal movement of cannon and timing of its firing. Game ends when all of player's laser cannon have been destroyed, either by being overrun by the attacking enemy or by being hit by the enemy's fire.

6. Space Invaders - Part II

The player views a cathode ray tube and operates controls as specified in the instructions for the game. Player's goal is to accumulate points while preventing events which lead to termination of the game.

The playing of the game is substantially the same as Space Invaders.

7. Moon Shuttle

The player views a cathode ray tube and operates controls as specified in the instructions for the game. Player's goal is to accumulate points while preventing events which lead to termination of the game.

Player must control spaceship to shoot its way through shifting meteor fields and to shoot enemies before they shoot player's spaceship.

8. Stratovox

The player views a cathode ray tube and operates controls as specified in the instructions for the game. Player's goal is to accumulate points while preventing events which lead to termination of the game.

Player controls photon rocket to shoot enemy ships, avoid enemy rockets and rescue stranded astronauts. Game ends when all of astronauts are carried off or when all of player's photon rockets are destroyed.

9. Colony 7

The player views a cathode ray tube and operates controls as specified in the instructions for the game. Player's goal is to accumulate points while preventing events which lead to termination of the game.

Player controls cannons to shoot down enemy ships which are attacking player's Space Colony.

10. Alpine Ski

The player views a cathode ray tube and operates controls as specified in the instructions for the game. Player's goal is to accumulate points while preventing events which lead to termination of the game.

Use controls to steer and accelerate your skier to avoid obstacles and score points while racing the clock. If player is fast enough he advances from downhill to slalom to ski jump.

11. Grand Champion

The player views a cathode ray tube and operates controls as specified in the instructions for the game. Player's goal is to accumulate points while preventing events which lead to termination of the game.

Player steers his car along race course to avoid hazards and beat the clock.

12. Lock 'N Chase

The player views a cathode ray tube and operates controls as specified in the instructions for the game. Player's goal is to accumulate points while preventing events which lead to termination of the game.

Player controls movement of Lupin through a maze to overrun coins and other objects worth points, while avoiding detectives who are trying to catch Lupin.

13. Kram

The player views a cathode ray tube and operates controls as specified in the instructions for the game. Player's goal is to accumulate points while preventing events which lead to termination of the game.

Player controls the movement of Kram to pursue point discs while avoiding enemies trying to destroy him. The player has the use of buttons to draw and remove walls in an effort to thwart the enemies.

14. Qix

The player views a cathode ray tube and operates controls as specified in the instructions for the game. Player's goal is to accumulate points while preventing events which lead to termination of the game.

Player moves controls to draw a line with player's symbol to enclose an area on the screen, while avoiding attacking enemies. Point values are assigned depending on the size of the area and whether the area was circumscribed by the fast draw line or the slow draw line.

15. Electric Yo Yo

The player views a cathode ray tube and operates controls as specified in the instructions for the game. Player's goal is to accumulate points by preventing events which lead to termination of the game.

The player controls a yo yo moving across the screen collecting point blocks while avoiding contact with enemy characters which destroy the yo yo. Points are awarded based on number of point blocks collected, length of travel from block to block, and intermittent "powering" of blocks.

16. Lunar Rescue

The player views a cathode ray tube and operates controls as specified in the instructions for the game. Player's goal is to accumulate points while preventing events which lead to termination of the game.

Player maneuvers spaceship to avoid asteroids and enemy fire, shoot attacking enemy and rescue stranded astronauts.

17. Wild Western

The Player views a cathode ray tube and operates controls as specified in the instructions for the game. Player's goal is to accumulate points while preventing events which lead to termination of the game.

Player controls a sheriff defending a moving train from attacking bandits. Player also controls sheriff who tries to shoot a tossed coin in a bonus round. Player controls speed and direction of sheriff's horse, timing and direction of sheriff's gunshots and movement of sheriff between train and his horse. Game ends when player loses all his or her sheriffs or when three bandits have hopped on the train. Player loses sheriff when sheriff is shot by bandit's gunfire; sheriff runs into rocks, cacti or train, or sheriff while on the train is struck by outstretched waterpipes extending from water tanks. Player can win additional sheriff by accumulating points. Skill is required in shooting bandits and the tossed coin, avoiding rocks, cacti and the train while

keeping up with moving train, controlling sheriff's jumps between horse and train and ducking to avoid outstretched water pipes. Sheriff can shoot bandits already on the train only by also getting on the train.

18. Phoenix

The player views a cathode ray tube and operates controls as specified in the instructions for the game. Player's goal is to accumulate points by preventing events which lead to termination of the game.

Player controls spaceship through three series of attacking space birds and defends his ship with a laser cannon and protective barrier. The attacking space birds drop bombs and destroy the player by hitting him with a bomb or colliding with him.

(b) (iii) Each of the video games identified in (a) above has a circuit diagram identified by the name of the game.

(iv) The person having the greatest knowledge of the electrical design and operation of each of the video games identified in (a) above is David Poole.

(v) The manufacturer and supplier of Space Invaders-Part II was Taito Corporation of Japan. The manufacturer of Kram, Qix and Electric Yo-Yo was Taito America Corporation. Taito

America Corporation also assembled all of the other games set forth in paragraph (a) using logic boards obtained from Taito Corporation of Japan. There were no integrated circuits which were specifically intended by its manufacturer to be used in video games in the game manufactured by Taito America Corporation, and to the knowledge of Taito America Corporation there were no integrated circuits in the logic boards obtained from Taito Corporation of Japan which were specifically intended by its manufacturer to be used in video games or specifically intended to be used in video games.

(c) (i) (ii) and (iii) The defendant Taito America Corporation has objected to this interrogatory.

TAITO AMERICA CORPORATION

By

Paul H. Whelan V.P.

Subscribed and sworn to before me this 13th day of

May 1982.

Catherine A. Cullen

Notary